

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
CINCINNATI**

<b>MARCUS FONTAIN,</b>	:	<b>CASE NO. 1:22-CV-00124</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Black)</b>
	:	
<b>vs.</b>	:	<b><u>OBJECTION TO REMOVAL OF</u></b>
	:	<b><u>DEFENDANTS PRODIGY</u></b>
<b>HARJINDER SANDHU, et al.,</b>	:	<b><u>PROPERTIES, LLC, JEFFREY LANE,</u></b>
	:	<b><u>APRIL LANE, AND ZACHARY D.</u></b>
<b>Defendants.</b>	:	<b><u>PRENDERGAST</u></b>

Defendants Prodigy Properties, LLC, Jeffrey Lane, April Lane, and Zachary D. Prendergast state for their Objection to the Notice of Removal docketed March 7, 2022:

1. 28 U.S.C. 1441(a) states that civil actions may be removed, “by the defendant or defendants...” In this case, the removing party, Marcus Fontain, is the plaintiff.

2. 28 U.S.C. 1446(b) requires a notice of removal be filed by the defendant within 30 days after service. Even if we ignore that removal is only available to defendants, the subject case was originally filed in the Court of Common Pleas of Hamilton County, Ohio on March 12, 2019. These defendants were served on March 15, 2019. The state court dismissed the case on December 13, 2019. And, the Ohio Court of Appeals affirmed the dismissal on August 11, 2021.

3. Removal is not a tool for plaintiffs to seek a “do over” in federal court.

WHEREFORE, the defendants herein request that the Court remand this case back to the Court of Common Pleas for Hamilton County, Ohio.

Respectfully submitted,

/s/ Zachary D. Prendergast  
Zachary D. Prendergast (0081368)  
*Attorney for Defendants Prodigy  
Properties, LLC, Jeffrey Lane, April Lane,  
and Zachary D. Prendergast*  
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**PROOF OF SERVICE**

The undersigned certifies a copy of the foregoing was served to all parties registered to receive service through the Court's ECF system on this 14<sup>th</sup> day of March, 2022, and was also served by regular mail on this 14<sup>th</sup> day of March, 2022 to:

Marcus Fontain  
9378 Mason Montgomery Rd # 425  
Mason, Ohio. 45040  
*Defendant*

/s/ Zachary D. Prendergast  
Zachary D. Prendergast (0081368)